

REMARKS / DISCUSSION OF ISSUES

Claims 1-10 are pending in the application. Claim 1 is the independent claim and is amended herein to better define Applicants' contribution to the art. No new matter has been added.

Objection to the Claims

The amendment to claim 1 remedies the objections thereto. Withdrawal of the objections is earnestly solicited.

Rejections under 35 U.S.C. § 102

Claims 1, 2 and 6-9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Hanaoka* (Patent Abstracts of Japan No. 2003-031355—Machine translation provided by the Examiner). For at least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 Is Patentable Over the Applied Art

Claim 1 recites:

*A display comprising:
a ground plate;
at least one light emitting layer; and
at least one isolating separator layer each isolating separator layer being
reflective and being positioned in contacting manner on said ground plate,
wherein the at least one light emitting layer, and the at least one isolating
separator layer are positioned immediately adjacent to each other in a contacting
manner.*

In a representative embodiment shown in Applicants' Fig. 1, a light emitting layer 20 is shown immediately adjacent to an isolating separator layer 10, which is reflective. By contrast, *Hanaoka* discloses a partition 10 immediately adjacent to a luminous layer; and the partition 10 is **transmissive** of light from the luminous layer 21. As a result, the applied art fails to disclose at least an isolating *separator layer* that is **reflective** and which is *positioned immediately adjacent to a light emitting layer in a contacting manner*. As a consequence, the applied art fails to disclose at least one feature of claim 1, and therefore cannot serve to establish a prima facie case of anticipation. Thus, claim 1 is patentable over *Hanaoka*.

General Comments on Rejections of Dependent Claims

Since each of dependent claims 2-9 depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Rejections under 35 U.S.C. § 103

Claims 3, 4 and 10, which are rejected under this section of the Code, are dependent claims and are patentable for at least the reasons set forth above.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
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